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PATENT
ATTORNEY DOCKET NO. INTEL1250-1(P13830X)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chan et al. Art Unit: 1637
Application No.: 10/672,149 Examiner: Cynthia Wilder
Filed: September 26, 2003
Title: METHODS AND DEVICE FOR DNA SEQUENCING USING SURFACE
ENHANCED RAMAN SCATTERING (SERS)

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER

Sir:

The undersigned attorney of record for Petitioner, INTEL CORPORATION, INC., a corporation with its place of business at 2200 Missing College Boulevard, Santa Clara, California 95052, represents that Petitioner is the Owner of 100 percent interest in Application No. 10/108,128, filed March 26, 2002, entitled METHODS AND DEVICE FOR DNA SEQUENCING USING SURFACE ENHANCED RAMIN SCATTERING (SERS), as evidenced by the Assignment recorded in the United States Patent and Trademark Office on June 5, 2002, at Reel 012961, Frame 0046.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, December 9, 2005 in an envelope addressed to: Mail Stop Amendment: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Cara Grifone

Name of Person Mailing Paper

Signature

December 9, 2005

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The undersigned, attorney of record further represents that INTEL CORPORATION, INC., a corporation, with its place of business at 2200 Missing College Boulevard, Santa Clara, California 95052, is the Owner of 100 percent interest in U.S. Patent Application No. 10/672,149, entitled METHODS AND DEVICE FOR DNA SEQUENCING USING SURFACE ENHANCED RAMAN SCATTERING (SERS), as evidenced by the Assignment recorded in the United States Patent and Trademark Office on February 17, 2004 at Reel 014976, Frame 0222.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Owners as set forth above.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, INTEL CORPORATION, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 10/108,128 that would extend beyond the expiration date of a patent granted on U.S. Patent Application Nos. 10/672,149. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/108,128 shall be enforceable only for and during such period that said patent and a patent granted on U.S. Patent Application Nos. 10/672,149 is commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In re Application of

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is a check in the amount of \$130.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge for any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: 12/9/05



Daryl A. Basham, J.D., Ph.D.

Registration No. 45,869

Telephone: (858) 677-1429

Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP
ATTORNEYS FOR INTEL CORPORATION
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer No. 28213